

	Portales Police Department Standard Operating Procedure & Policy	SOP #	302.01
		PER. #	01.01-01.05
1700 N. Boston St. Portales NM, 88130	Employment Discrimination		
(575) 356-4404		Approval:	Pat Gallegos, Chief of Police

## I. PURPOSE

To establish and define the policy for this agency concerning fair employment practices and to ensure Equal Employment Opportunities, free from harassment and/or discrimination, to all employees and applicants for employment.

## II. POLICY

This agency will be committed to complying with all laws, both State and Federal, pertaining to Equal Employment Opportunity, Affirmative Action, and discrimination or harassment of any type in the workplace.

## III. PROCEDURE

- A. It shall be the policy of this Department to base all employment decisions on principles of equal opportunity. This agency will not discriminate against any employee or applicant for employment on the basis of the following:
  - 1. Race;
  - 2. Color;
  - 3. Gender;
  - 4. Age;
  - 5. Religion;
  - 6. Ancestry;
  - 7. Sexual orientation;
  - 8. Gender Identity;
  - 9. Marital Status;
  - 10. National origin; or
  - 11. Physical or mental disability
- B. Employment opportunities will not be distinguished on the basis of age, national origin, or disability/handicap except for the position of Police Officer as defined by NMSA 29-7-6, the establishment of the State of New Mexico Law Enforcement Academy Board. NMSA 29-7-6 establishes the following minimum requirements:

1. An applicant for certification shall provide evidence satisfactory to the board that he/she:
  - a. is a citizen of the United States and has reached the age of majority;
  - b. holds a high school diploma or the equivalent;
  - c. holds a valid driver's license;
  - d. has not been convicted of or pled guilty to or entered a plea of nolo contendere to any felony charge or, within the three year period immediately preceding his application, to any violation of any Federal or State Law or Local Ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States;
  - e. after examination by a licensed physician, is free of any physical condition that might adversely affect his/her performance as a Police Officer or prohibit him/her from successfully completing a prescribed basic Law Enforcement training required by the Law Enforcement Training Act;
  - f. after examination by a certified psychologist, is free of any emotional or mental condition that might adversely affect his/her performance as a Police Officer or prohibit him/her from successfully completing a prescribed basic Law Enforcement Training Act;
  - g. is of good moral character; and
  - h. Has met any other requirements for certification prescribed by the board pursuant to regulations adopted by the board.
- C. This Department fully supports the Americans with Disabilities Act (ADA) and will respond to reasonable requests for job accommodations.
- D. The administration of this Department will take affirmative action to recruit, hire, reassign, compensate, train, demote, and to advance in employment: minorities, women, qualified individuals with disabilities, and veterans. This agency is committed to making sustained, diligent efforts to identify and consider such individuals for employment and for opportunities arising during employment.
- E. Harassment, in any form, against any employee of this agency or applicant for employment is unacceptable and will not be tolerated.

- F. All employees must respect civil rights laws and refrain from discriminatory actions. It is everyone's responsibility to perform official duties in a way that maintains and fosters a non-hostile work environment free from discrimination.
- G. Discriminatory actions or conduct may include remarks and jokes regarding race, color, religion, sex, national origin, age, physical/mental ability, marital status, sexual orientation, etc.
- H. This agency prohibits any retaliatory action against an employee for opposing a practice which he/she believes to be discriminatory. This includes the filing of an internal complaint or the filing of a complaint with a State or Federal Civil Rights Enforcement Agency.
- I. The Chief of Police, or his designee, will be responsible for educating employees on Equal Employment Opportunity, Affirmative Action, and discrimination/harassment issues. He will also be responsible for ensuring that staff members at all levels carry out the intent of this equal employment/affirmative action policy and take appropriate measures to correct any discrimination, which might occur.
- J. All employees are expected to abide by the procedures as outlined within this policy. Violation of this policy will subject an employee to disciplinary action, up to and including dismissal.
- K. The Chief of Police or his designee will assign a supervisor within the agency to be responsible for investigating complaints of discrimination on a case by case basis. The supervisor will be responsible to report back to the Chief of Police a written report concerning the complaint.
- L. The contents of an investigation into allegations of discrimination report shall be kept confidential.

#### IV. COMPLAINANT PROCEDURES

- A. An employee encountering harassment should first attempt to discourage the activity by informing the offending employee that their actions are offensive, unwanted or unwelcome.
- B. If the employee intends to file a complaint, the employee shall:
  - 1. Promptly record the circumstances comprising the incident in order to facilitate the investigation process.
  - 2. Report the incident(s) to a supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. Where this is not practical, an employee may instead file a complaint with the Chief of Police or the City Administrator.

- C. The supervisor or other person receiving the complaint shall:
  - 1. Attempt to resolve the incident(s) at the lowest level;
  - 2. Document the incident(s), the employee(s) who performed or participated in the harassment, and the dates on which it occurred;
  - 3. Document any attempts or results to resolve the incident(s); and
  - 4. Deliver the complaint and documentation promptly through the chain of command to the Chief of Police.
- D. An employee who chooses to accumulate information over an extended period, in lieu of prompt reporting, may in effect impair the legitimacy of their claim.
- E. Incident(s) of harassment shall only be considered resolved at the supervisory level when a reasonable solution is accepted by the complainant.